

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

William A. Driscoll Jr.
Nicole M. Driscoll
Debtor(s)

Bankruptcy Case No.: 18-24397-CMB
Issued Per Mar. 28, 2019 Proceeding
Chapter: 13
Docket No.: 64 – 38, 50, 52
Concil. Conf.: June 27, 2019 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 9, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,655 as of April 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 27, 2019 at 09:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: ACAR Leasing, LTD at Claim No. 13 .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: March 29, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 William A. Driscoll, Jr.
 Nicole M. Driscoll
 Debtors

Case No. 18-24397-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 56

Date Rcvd: Mar 29, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 31, 2019.
 db/jdb

+William A. Driscoll, Jr., Nicole M. Driscoll, 717 Kilbuck Drive,
 Cranberry Twp, PA 16066-6840
 cr +ACAR Leasing LTD d/b/a GM Financial Leasing, 4000 Embarcadero Dr., Arlington, TX 76014-4101
 cr +Allegent Community Federal Credit Union, 1001 Liberty Avenue Suite 100,
 Pittsburgh, PA 15222-3715
 14976280 +ACAR Leasing LTD d/b/a GM Financial Leasing, PO Box 183853, Arlington, TX 76096-3853
 14962867 +Absolute Resolutions Investments, LLC, c/o Absolute Resolutions Corporation,
 8000 Norman Center Drive, Suite 350, Bloomington, MN 55437-1118
 14946383 +Allegent Community Fcu, 1001 Liberty Ave Ste 100, Pittsburgh, PA 15222-3715
 14946385 +AmeriCredit/GM Financial, Attn: Bankruptcy, PO Box 183853, Arlington, TX 76096-3853
 14946386 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Attn: Bankruptcy, Po Box 982238,
 El Paso, TX 79998)
 14946395 ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
 (address filed with court: Columbia Gas Company, POB 742537, Cincinnati, OH 45274-2537)
 14975436 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14967729 +Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L.,
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 14946388 +Chase Card Services, Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
 14946389 +Chase Mortgage, Attn: Case Research & Bankruptcy, Po Box 24696, Columbus, OH 43224-0696
 14946393 +CitiFinancial, Attn: Bankruptcy, 605 Munn Rd, Fort Mill, SC 29715-8421
 14981097 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 14946390 +Citibank/Sears, Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 14946391 +Citibank/The Home Depot, Attn: Recovery/Centralized Bankruptcy, Po Box 790034,
 St Louis, MO 63179-0034
 14946392 +Citicards, Citicorp Credit Services/Attn: Centraliz, Po Box 790040,
 Saint Louis, MO 63179-0040
 14946394 +Citizens Bank, Attn: Bankruptcy, 1 Citizens Dr, Riverside, RI 02915-3000
 14946396 +Cranberry Township, POB 6075, Hermitage, PA 16148-1075
 14946397 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services LLC, Attn: President/CEO, Po Box 81577,
 Austin, TX 78708)
 14946399 +Dovenmuehle/Plaza Home Mtg, Attn: Bankruptcy, 1 Corporate Dr Ste 360,
 Lake Zurich, IL 60047-8945
 14946402 +Lincoln Automotive Financial Service, Attn: Bankruptcy, Po Box 542000,
 Omaha, NE 68154-8000
 14946404 +Pennymac Loan Services, Attn: Bankruptcy, Po Box 514387, Los Angeles, CA 90051-4387
 14981116 +Pennymac Loan Services, LLC, P.O. Box 2410, Moorpark, CA 93020-2410
 14946405 +Santander Consumer USA, Attn: Bankruptcy, Po Box 961245, Fort Worth, TX 76161-0244
 14946407 +Sears, 701 East 60th Street North, Sioux Falls, SD 57104-0432
 14946408 +Sheetz, POB 2557, Omaha, NE 68103-2557
 14946409 +Sheridan Anesthesia, POB 744422, Atlanta, GA 30374-4422
 14946410 +Southwest, POB 1423, Charlotte, NC 28201-1423
 14946415 Target, Target Card Services, Mail Stop NCB-0461, Minneapolis, MN 55440
 14981821 UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973,
 MADISON, WI 53708-8973
 14946417 +US Dept of Education, Attn: Bankruptcy, Po Box 16448, Saint Paul, MN 55116-0448
 14946418 +US Department of Education/Great Lakes, Attn: Bankruptcy, Po Box 7860,
 Madison, WI 53707-7860

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/Text: kbarkley@bernsteinlaw.com Mar 30 2019 02:46:11 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14946384 +E-mail/Text: ally@ebn.phinsolutions.com Mar 30 2019 02:44:39 Ally Financial,
 Attn: Bankruptcy Dept, Po Box 380901, Bloomington, MN 55438-0901
 14980181 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Mar 30 2019 02:45:54
 Bayview Loan Servicing, LLC, 4425 Ponce de Leon Blvd, 5th Floor,
 Coral Gables, FL 33146-1837
 14946387 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 02:52:02 Capital One,
 Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 14970402 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 30 2019 02:51:34
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14950059 E-mail/Text: mrdiscen@discover.com Mar 30 2019 02:44:40 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14946398 +E-mail/Text: mrdiscen@discover.com Mar 30 2019 02:44:40 Discover Financial, Po Box 3025,
 New Albany, OH 43054-3025
 14949564 +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Mar 30 2019 02:46:13
 Hyundai Lease Titling Trust, PO Box 20809, Fountain Valley, CA 92728-0809
 14946400 +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Mar 30 2019 02:46:13
 Hyundai Motor Finance, Attn: Bankruptcy, Po Box 20809, Fountain Valley, CA 92728-0809
 14946401 +E-mail/Text: bncntices@becket-lee.com Mar 30 2019 02:44:48 Kohls/Capital One,
 Kohls Credit, Po Box 3120, Milwaukee, WI 53201-3120

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 56

Date Rcvd: Mar 29, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14964883 E-mail/PDF: resurgentbknnotifications@resurgent.com Mar 30 2019 02:51:12 LVNV Funding, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14979024 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 30 2019 03:26:34
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14946994 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 30 2019 02:52:03
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14946403 E-mail/Text: bankruptcy@firstenergycorp.com Mar 30 2019 02:45:33 Penn Power, PO Box 3687,
Akron, OH 44309-3687
14946411 +E-mail/PDF: gecsedirecoverycorp.com Mar 30 2019 02:50:58 Synch/Toys R Us,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
14946412 +E-mail/PDF: gecsedirecoverycorp.com Mar 30 2019 02:50:58 Synchrony Bank/ JC Penneys,
Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060
14946413 +E-mail/PDF: gecsedirecoverycorp.com Mar 30 2019 02:51:27 Synchrony Bank/ Old Navy,
Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060
14946414 +E-mail/PDF: gecsedirecoverycorp.com Mar 30 2019 02:50:57 Synchrony Bank/Dillards Dc,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
14981056 +E-mail/Text: bncmail@legal.com Mar 30 2019 02:45:39 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14946416 +E-mail/Text: billingdept@gihealth.com Mar 30 2019 02:45:25 Three Rivers Endoscopy,
725 Cherrignton Parkway #101, Coraopolis, PA 15108-4318
14946419 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Mar 30 2019 02:44:33
Verizon, Verizon Wireless Bk Admin, 500 Technology Dr Ste 550,
Weldon Springs, MO 63304-2225
14973716 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 30 2019 02:52:13 Verizon,
by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BAYVIEW LOAN SERVICING, LLC
cr PENNYMAC LOAN SERVICES, LLC
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14946406* +Santander Consumer USA Inc., Attn: Bankruptcy, Po Box 961245, Fort Worth, TX 76161-0244
TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 31, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 29, 2019 at the address(es) listed below:

Brian Thomas Langford on behalf of Creditor Allegent Community Federal Credit Union
PitEcf@weltman.com, PitEcf@weltman.com
Gary William Short on behalf of Joint Debtor Nicole M. Driscoll garyshortlegal@gmail.com,
gwshort@verizon.net
Gary William Short on behalf of Debtor William A. Driscoll, Jr. garyshortlegal@gmail.com,
gwshort@verizon.net
James Warmbrodt on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bkgroup@kmlawgroup.com
Jerome B. Blank on behalf of Creditor PENNYMAC LOAN SERVICES, LLC pawb@fedphe.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Thomas Song on behalf of Creditor PENNYMAC LOAN SERVICES, LLC pawb@fedphe.com
William E. Craig on behalf of Creditor ACAR Leasing LTD d/b/a GM Financial Leasing
ecfmail@mortoncraig.com, mhazlett@mortoncraig.com/mortoncraigecf@gmail.com

TOTAL: 10